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Date: December 3, 1998 Time:

Total Number of Pages (including this cover sheet):

TO: EXAMINER H. SHACKELFORD

FAX #: (703) 305-7687

RE: Application No: 09/073,643

FIRM NAME: Patent and Trademark Office

LOCATION: Washington, D.C.

TELEPHONE #: (703) 308-2978

FROM: Erik Nordstrom

TELEPHONE NUMBER: (612) 340-2789

COMMENTS:

Attached please find a file memorandum regarding previous telephone conference, IDS, and ~~five~~<sup>four</sup> foreign prior art references.



Originator's Signature

Original will be sent via (circle one):

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Reference # 3177/446109/1

## MEMORANDUM

To: File  
From: Erik Nordstrom  
Date: March 25, 1998  
Re: Office Int. w/ Ex. Shackelford re. 6216 Final Office Action

On March 25, 1998, Wednesday afternoon, I spoke with Ex. Shackelford in a telephone office interview regarding the final office action dated 1/5/98 for the 6216 application. I had faxed to her a set of proposed claims, which discussed in connection with UK '034 to Anderson.

We agreed that a patentable claim could include a brase where (1) the brace includes a forearm engaging surface that is directed in the opposite direction as the projection of the handle, or (2) a brace with a forearm engaging portion that is not in the same plane as the frame.

Should not use language that is dependant on the forearm or its position, etc. Can use language such as "downwardly" if initially referenced to something (e.g., perpendicular to longitudinal dimension of frame).

We agreed that (1) Applicant would cancel claims 1-4 so that claims 5-8 may issue immediately, and (2) Applicant would file a continuation of 6216 to continue prosecuting claims 1-4.

Official

Dkt. 6339

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Janie McKittrick

Serial No.: 09/073,643

Filed: May 6, 1998

Title: GARDEN TOOL HAVING ENHANCED LEVERAGE

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Group Art Unit: Unknown

Examiner: Unknown

INFORMATION DISCLOSURE STATEMENTAssistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir/Madam:

Pursuant to Sections 1.56, 1.97 and 1.98 of Title 37 of the Code of Federal Regulations, the following information is set forth in compliance with applicant's duty of disclosure, as well as the duty of others substantively involved in the preparation of the above-titled application.

The applicant and others substantively involved in the preparation of the application are aware of the following patents, publications, and/or other

I hereby certify that the document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

June 4, 1998

(Date of Deposit)

Marilyn Yahr

(Name)

Marilyn Yahr

Signature

June 4, 1998

Date of Signature

information.

The following patents, publications, and/or other information were previously cited and submitted to the Patent and Trademark Office in prior application Serial No. 08/614,158, filed March 8, 1996, which is relied upon for an earlier filing date under 35 U.S.C. §120. Pursuant to 37 C.F.R. §198 (d), copies of these references are not enclosed.

<u>Patent No.</u>	<u>Inventor(s)/or Country</u>	<u>Date Issued</u>
GB 135,100	Bickerton	11/1919
2,482,589	Maguire	9/1949
1,149,887	Soviet Union	4/1985
UK 2,248,034	Anderson	3/1992
5,133,101	Hauser et al.	7/1992
5,529,357	Hoffman	6/1996
Des. 352,872	Crockett	11/1994
UK 2,278,798	Crockett	12/1994

The following patents were cited in related application Serial No. 08/693,345, filed August 6, 1996. Copies of these patents are enclosed.

<u>Patent No.</u>	<u>Inventor(s)/or Country</u>	<u>Date Issued</u>
309,437	Calef	12/1884
712,843	Paul	11/1902
2,180,544	Nissen	1/1939
2,710,571	Pfister	6/1955
3,232,355	Woolworth	2/1966
4,477,114	Callis	10/1984
4,644,740	Lee	2/1987
2,183,433	Williams/Great Britain	6/1987
4,822,087	DeCarlo	4/1989
4,888,846	Natale	12/1989
5,014,792	Gierloff	5/1991
5,177,941	Tharp et al.	1/1993

Additional discussion of prior art may appear in the "Background of the Invention" section of the present application which section is incorporated herein by reference.

Applicant reserves the right to show, pursuant to 37 CFR § 1.131 or otherwise, that any one or more of the above-listed documents are not prior art to the present invention.


The present statement reflects the direct knowledge of the undersigned and information disclosed to the undersigned by the applicant and others substantively involved in the preparation of the present application pursuant to their duty under 37 CFR § 1.56.

Pursuant to the Manual of Patent Examining Procedure, Chapter 609, applicant requests that the Examiner consider each of the listed documents and initial and return to the undersigned a copy of the enclosed Form PTO-1449 (submitted in duplicate).

Respectfully submitted,

Janie McKittrick

Date: June 4, 1998

By   
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